

PATENT

REMARKS

Claims 9 and 10 are pending.

The Examiner has rejected claims 9 and 10 under section 112 as failing to comply with the enablement requirement. The Examiner notes that "a lowest number of waveforms" is not clearly explained in the specification. Applicants would like to take the Examiner's attention to page 7, lines 14-22, and other various sections of the application as filed. On page 7, line 15, it is described that in addition to using a fixed time offset for each new waveform, it is possible to select an individual time offset for each new waveform according to an algorithm. [in accordance with the algorithm], for example, the new time offset can be selected by determining which of the possible offsets is being used by the lowest number of the existing calls. It is commonly known that, an existing call may be serviced by transmission of a waveform carrying data, pilot and control information, for example as shown in Fig. 2. The possible time offsets may be differing from each other by differing multiple of a fixed time offsets t_0 . Please see page 6, lines 2-4. If there are more than one waveforms, more than one time offsets may have been used. Therefore, out of the possible time offsets, a time offset may have been used by a lowest number of waveforms. To clarify, if time offsets t_0 , $2t_0$, and $3t_0$ are possible time offsets, and time offset t_0 is used by one waveform, time offset $2t_0$ used by three waveforms and $3t_0$ is not used at all, the time offset $3t_0$ is used by the lowest number of waveform. As such, in accordance with algorithm, the new time offset may be selected to be $3t_0$. As such, Applicants believe the application and claims comply with the requirements of section 112 for enablement because "a lowest number of waveforms" is defined and explained in the specification as a whole. Therefore, Applicants request withdrawal of the rejection based on section 112. If the Examiner wishes, a drawing will be provided based on the cited description.

The Examiner has further rejected claims 9 and 10 under section 102(e) as being unpatentable over Keashly et al, US 6,330,289. Applicants have reviewed the cited art and the relevant section(s) as recited by the Examiner in the office action. There are marked differences between the method as described by Keashly and the claimed invention as outlined and supported

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by claims 9 and 10. Keashly suggests time offsetting by less than one symbol time period and all possible time offsets to be within one symbol period. Claims 9 and 10 do not have such a limitation. The time offsets, such as t_0 , or its multiple, is not limited to a symbol time period or a fraction of symbol period, as suggested by Keashly. Please see Fig. 4, time offset t_0 is shown to be equal to one field of the time frame (such as the pilot field) having multiple symbols. Furthermore, Keashly does not suggest selecting a time offset by determining which of the time offsets is being used by the lowest number of waveforms, suggesting that a time offset may have been used by more than one waveforms. Keashly does not suggest using a time offset for more than one waveforms, in fact, it shows and describes using different time offsets, all within one symbol period, for different waveforms. For a rejection under section 102, each and every element of the claimed invention must have been disclosed or suggested by the cited reference. For the reasons herein, Keashly fails to disclose each and every elements of the claimed invention. Therefore, claimed invention as recited in claims 9 and 10 are not anticipated by Keashly, and are allowable over Keashly.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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